

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 548

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO YOUTH ATHLETES AND CONCUSSIONS; AMENDING SECTION 33-1625, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO LEGISLATIVE FINDINGS AND TO REVISE AND TO PROVIDE ADDITIONAL PROVISIONS RELATING TO YOUTH ATHLETES AND CONCUSSION GUIDELINES AND REQUIREMENTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1625, Idaho Code, be, and the same is hereby amended to read as follows:

33-1625. ~~LEGISLATIVE INTENT -- YOUTH ATHLETES -- CONCUSSION GUIDELINES -- LIMIT LIABILITY.~~ The legislature finds that concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The centers for disease control and prevention estimates that as many as three million eight hundred thousand (3,800,000) sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed.

Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occur without loss of consciousness.

Continuing to play with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death. The legislature recognizes that, despite having generally recognized return to play standards for concussion and head injury, some affected youth athletes are prematurely returned to play resulting in actual or potential physical injury or death to youth athletes in the state of Idaho.

(1) The state board of education shall collaborate with and the Idaho high school activities association to develop shall provide access to appropriate guidelines and other pertinent information and forms to inform and educate coaches, both paid and volunteer, youth athletes, and their parents and/or guardians of the nature and risk of concussion and head injury including risks associated with continuing to play after concussion or head injury that identify the signs and symptoms of a concussion and head injury and describes the nature and risk of concussion and head injury in accordance with standards of the center for disease control and prevention through a link on the internet website of the board and of the Idaho high school activities association.

(2) ~~The~~ At the beginning of each sports season before a youth athlete participates in any organized practice or game, the youth athlete and the youth athlete's parent or guardian shall review the guidelines, and information and forms described in subsection (1) of this section ~~shall be developed for and may be used by all organized youth sport organizations or associations that sponsor, promote or otherwise administer youth sport organizations or activities in this state. The state board of education shall make available on its internet website the guidelines, information and forms provided for in this section and shall provide signed confirmation that they have reviewed the signs and symptoms of concussion and head injury and the risks associated with continuing to play after concussion or head injury. The guidelines and information shall be provided by the school that the athlete plays for, or by the youth sport organization the athlete is playing under if the league that the athlete is part of is not a school sanctioned league. Coaches, referees, game officials, game judges and athletic trainers shall annually review such guidelines and information and provide signed confirmation that they have reviewed the material to their employers at the beginning of each sports season.~~

(3) If during a game, a qualified health care professional, or team coach who is eighteen (18) years of age or older and who represents the team with which the youth athlete in question is affiliated, or game official, suspects or determines that a youth athlete exhibits outward signs or symptoms of a concussion or head injury as defined by the center for disease control and prevention, then the qualified health care professional, team coach or game official shall immediately remove the youth athlete from play. A team coach shall not make the formal decision to remove a player from the opposing team from play.

(4) An athlete may be returned to play the same game day of the suspected injury if the athlete is evaluated and authorized to return by a qualified health care professional who is trained in the evaluation and management of concussions. If an athlete is not authorized by a qualified health care professional to return to play, the athlete shall be withheld from play for at least one (1) day and shall receive written clearance from a qualified health care professional before returning to play.

(5) If during practice, a qualified health care professional or team coach suspects or determines that a youth athlete exhibits outward signs or symptoms of a concussion or head injury, then the qualified health care professional or team coach shall immediately remove the youth athlete from play. An athlete removed from practice shall not return to play until he or she receives an evaluation and authorization to return to play by a qualified health care professional.

(6) In no event shall a parent, guardian or relative of the student athlete who has been removed from play act as or be deemed to be a qualified health care professional for that student athlete. For the purposes of this section, "qualified health care professional" means and includes any one (1) of the following who is trained in the evaluation and management of concussions:

(a) A physician or physician assistant licensed under chapter 18, title 54, Idaho Code;

1 **(b) An advanced practice nurse licensed under section 54-1409, Idaho**
2 **Code; or**

3 **(c) An athletic trainer licensed under chapter 39, title 54, Idaho**
4 **Code.**

5 **(7) It shall always be reasonable for a team coach, game official, team**
6 **athletic trainer or qualified health care professional to remove a youth**
7 **athlete from a practice or game if the youth athlete exhibits signs and**
8 **symptoms of a concussion or head injury pursuant to subsections (3) and (5)**
9 **of this section so that acting upon the guidelines required in this section**
10 **shall not form the basis of a claim for negligence in a civil action.**

11 **(8) This section shall apply to all youth sport organizations or asso-**
12 **ciations in this state, except that this section shall not apply to any col-**
13 **legiate sport activity or program or to any person participating in any col-**
14 **legiate sport activity or program administered in this state. For the pur-**
15 **poses of this section, "youth sport organization" and "youth sport associ-**
16 **ation" shall mean any entity organized by a governing body which organizes,**
17 **promotes or otherwise administers an athletic league in this state where the**
18 **majority of participants are eighteen (18) years of age and younger, and are**
19 **engaging in an organized athletic game or competition against another team,**
20 **club or entity or in practice or preparation for an organized game or compe-**
21 **tition against another team, club or entity.**